

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**TRUSTEES OF THE OREGON AND
SOUTHWEST WASHINGTON PAINTERS
PENSION TRUST FUND, et al.,**

No. 3:14-cv-00885-HU

Plaintiffs,

OPINION AND ORDER

v.

BRAD PETERSON, dba Commercial
Wallcovering,

Defendant.

MOSMAN, J.,

On February 9, 2015, Magistrate Judge Hubel issued his Findings and Recommendation (“F&R”) [30] in the above-captioned case, recommending I grant in part Plaintiffs’ motion [14] for an order to show cause regarding contempt and sanctions. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendation and I ADOPT the F&R [30] as my own opinion, although I modify the relief.

ORDER

Upon personal service of this order, Defendant Brad Peterson is hereby ordered to produce the materials identified in Plaintiffs' motion to compel [Docket Nos. 5 to 7] and specified in Judge Hubel's order [13] of October 9, 2014. Alternatively, Defendant may open these records to Plaintiff for inspection and copying. If Defendant fails to comply, this will result in the entry of a contempt order which will (1) require Defendant to pay a fine of five hundred dollars per day for each day he fails to comply, and (2) allow Plaintiffs to present a petition for an award of attorney fees incurred to obtain this discovery since Judge Hubel's order [13] was entered on October 9, 2014.

IT IS SO ORDERED.

DATED this 9th day of March, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge